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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/711,457	09/20/2004	David M Emerling	MASLIAC-51	5456
37690 7590 08/28/2007 WOOD, HERRON & EVANS, LLP (LEAR) 2700 CAREW TOWER 441 VINE STREET CINCINNATI, OH 45202			EXAMINER BLANKENSHIP, GREGORY A	
			ART UNIT 3612	PAPER NUMBER
			MAIL DATE 08/28/2007	DELIVERY MODE PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	Application No. 10/711,457	Applicant(s) EMERLING ET AL.	
	Examiner Greg Blankenship	Art Unit 3612	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on remarks filed 7/12/2007.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-18 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 20 September 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date <u>7/12/2007</u> . | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

### *Claim Rejections - 35 USC § 103*

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-6, 10-13, and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mills et al. (6,840,561) in view of Hier et al. (US 2003/0184064).

Mills et al. disclose an automotive sun visor that has a core member (12), a cover layer (14) and a support arm (16). The core member (12) has an outer surface. The cover layer is located on the outer surface of the core member. The support arm (16) is coupled to the core member (12) and adapted to mount the visor proximate the windshield of a vehicle. In reference to claim 2, the core member is formed from a polymeric material, polypropylene, having a hardness that is relatively higher than a hardness of the cover layer. In reference to claim 3, the core member comprises first and second sections (20,22) joined together in a confronting arrangement, as seen in Figure 13. In reference to claim 4, the first and second sections (20,22) are hingedly coupled together for folding toward the confronting arrangement by living hinge (24). In reference to claims 5 and 12, the cover layer substantially encapsulates the core member. In reference to 10, the core is made of a polymeric material. Then, the cover layer (14) is located on the outer surface of the visor core. Finally, the support arm is coupled to the visor core. In reference to claim 11, the core member (12) is formed with a first section (20) and second section (22), as disclosed on

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lines 36-38 of column 3. Figure 2 shows the inner surface of the first core section (20) and the second core section (22). The core sections are arranged such that inner surfaces face one another so the first and second sections (20,22) may be secured together by locks (80), as disclosed on lines 46-48 of column 4. However, Mills et al. do not disclose forming the cover layer in place of a polymeric material such that the mirror is integrally molded with the cover layer.

Hier et al. teach forming a polymeric cover layer in place onto the outer surface of the harder core member of a vehicle interior part, as disclosed in Figure 7.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to cover the core member of Mills et al. with a formed in place polymeric cover layer, as taught by Hier et al., in place of the cover layer of Mills et al. to provide a seamless cover that requires less steps to manufacture.

3. Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over the combination of references, as applied to claim 1, in view of Fischer et al. (GB2336577).

Mills et al., as modified, do not disclose the cover layer being textured to simulate fabric material.

Fischer et al. teach a polymeric covering material, polypropylene fabric, which is textured to simulate a fabric material.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to form the cover layer of Mills et al., as modified, with a polymeric material that has a texture that simulates a fabric material, as taught by Fischer et al., to provide the desired appearance and texture.

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4. Claims 8, 9, 14, 15, 17, and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over the combination of Mills et al. (6,840,561) and Hier et al. (US 2003/0184064), in view of Binish (5,720,509).

Mills et al., as modified, disclose a mirror (182) attached to the visor. However, Mills et al., as modified, does not disclose the mirror integrally molded with the cover layer.

Binish teaches integrally molding a mirror (25) into the cover layer (23) of a sun visor, as shown in Figures 2 and 6.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to integrally mold the mirror onto visor with the cover layer, of Mills et al., as modified, as taught by Binish, to securely connect the mirror to the sun visor without additional fasteners.

### *Response to Arguments*

5. Applicant's arguments filed 7/12/2007 have been fully considered but they are not persuasive. The applicant has argued that Mills et al. do not disclose each and every claimed feature and that a person skilled in the art at the time the invention was made would not have found it obvious to modify Mills et al. in view of Hier et al. resulting in the claimed invention. The examiner agrees that Mills et al. do not disclose each and every claimed element. This is stated in this office action and in the office action mailed 4/13/2007. The applicant states that Hier et al. do not disclose replacing a fabric cover layer with a polymeric cover layer that is molded in place. Hier et al. do not state that the polymeric cover layer replaces a fabric cover layer. Hier et al. teach using a polymeric cover layer molded in place even though fabric cover layers were already known in the art. The examiner is citing a few references that show that fabric cover layers for vehicle interior components were known in the art. The applicant has argued that the motivation for the

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combination of Mills et al. and Hier et al. fails because the combination would not result in a seamless cover. The examiner disagrees because the applicant is assuming that the cover would be molded onto the core member before and not after the core halves have been folded such that they are substantially parallel to one another.

6. The applicant has argued that Fischer et al. do not disclose a polymeric cover layer that is textured to simulate fabric material. The examiner disagrees because the abstract of Fischer et al. clearly states that the covering is fabric made of various types of polymeric materials. The covering will have a texture that simulates a fabric because it is a type of fabric.

7. The applicant has argued that Binish does not disclose an integrally molded cover that affixes accessories such as a mirror or a door opener to a core member of a visor. The examiner disagrees because Binish teaches affixing the mirror to the core member and the cover layer by molding resulting in the mirror becoming integral with the cover layer. When combined with the combination of Mills et al. and Hier et al., this results in the cover layer being molded with the mirror.

### *Conclusion*

8. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be

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calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Greg Blankenship whose telephone number is 571-272-6656.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Glenn Dayoan can be reached on 571-272-6659. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

gab  
August 23, 2007

CAO 8/23/2007

  
DENNISH. PEDDER  
PRIMARY EXAMINER  
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